

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

PERRY FULLER,)
)
Plaintiff,)
)
v.) No.: 1:12-cv-01285-JDB-egb
)
TEAMSTERS LOCAL 217,)
)
Defendant.)

REPORT AND RECOMMENDATION

This lawsuit was removed to this Court by the Defendant on December 12, 2012. On that same date, the Defendant moved for a more definitive statement from the Pro Se Plaintiff. A Motion Hearing/Scheduling Conference was set for January 15, 2013. The Pro Se Plaintiff failed to appear. An Order granting the Motion for a more definitive statement was entered on January 15, 2013, ordering the Pro So Plaintiff to submit, within 28 days of the order, a more definitive statement of his complaint against the Defendant.

On March 1, 2013, the Defendant moved to dismiss the Complaint pursuant to Rules 12(b)(6), 12(e), 16(f)(1), and 41(b) of the Federal Rules of Civil Procedure. The Pro Se Plaintiff has failed to respond to this Motion. On April 17, 2013, the Plaintiff was ordered to Show Cause why his Complaint should not be dismissed for failure to prosecute in accordance with Rule 41 of the Federal Rules of Civil Procedure. He has failed to respond.

Thus, it appears that the Pro Se Plaintiff has chosen not to pursue these claims against the Defendant. This Magistrate Judge recommends to the District Court that the Defendant's Motion to

Dismiss for Noncompliance with Court Order [D.E. 12] be granted and that the case be dismissed.

The Clerk of the Court shall mail a copy of this Report and Recommendation, certified return receipt requested, to the Plaintiff's address listed on the Docket Sheet.

Respectfully submitted this 15th day of May, 2013.

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

**ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS
MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A
COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE
TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF
OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.**